

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

DAVID JOHN BOSHEA,	:	
	:	
v.	:	Case No. 1:21-cv-00309-ELH
	:	
COMPASS MARKETING, INC.	:	
	:	
Defendant	:	
_____	:	

**NON-PARTY DANIEL WHITE’S CONSENT MOTION
TO RESCHEDULE THE VIRTUAL SHOW CAUSE HEARING**

Non-party Daniel J. White, by and through counsel Bruce L. Marcus, Esquire, and MarcusBonsib, LLC, hereby moves pursuant to Local Rule 105.9 to reschedule the virtual Show Cause Hearing currently set for March 3, 2022 (ECF 85), in response to Defendant’s Motions for a Civil Contempt Sanction on Non-party Daniel White (ECF 64) and Non-party Michael White (ECF 63).

Undersigned counsel for Non-party Daniel White is scheduled to be in trial in the Circuit Court for Montgomery County from February 28–March 11, 2022, in the matter of *Hsu Contracting, LLC v. The Holton-Arms School, Inc., et al.*, Case Number 472329-V.¹

Non-party Daniel White therefore seeks to reschedule the Virtual Show Cause Hearing to an alternative date when undersigned counsel is available. All parties to this action, as well as Non-party Michael White, have informed undersigned counsel that they consent to the relief requested herein.

¹ This matter is a bench trial and has been confirmed to proceed despite the Maryland Judiciary recently reverting to Phase III operations.

As further support for this request, Non-party Daniel White submits that it is in the interest of fairness to allow him to be represented by his counsel at the Show Cause hearing on the pending Motion for a Civil Contempt Sanction.

As set forth in his Opposition to the Motion for Contempt (ECF 70), Mr. White has cognizable defenses that preclude a finding of contempt, including substantial compliance, good faith attempt to comply, and inability to comply. *See, e.g., Dunkin' Donuts, Inc. v. Three Rivers Ent. & Travel*, 42 F. App'x 573, 575 (4th Cir. 2002) (noting these are established defenses to a civil contempt order). The facts underlying Mr. White's defenses, which are supported by affidavit (ECF 70-1), have not been contested by the Defendant.

Additionally, a review of the Motion for Contempt and Reply in Support thereof (ECF 74) demonstrate that the alleged contumacious conduct includes, in large part, the actions of undersigned counsel in the scheduling of deposition dates and the conduct of the deposition. Defendant's Reply, in particular, focuses on the objections interposed by undersigned counsel during Mr. White's deposition. It is therefore critical to a fair hearing that undersigned counsel participate on behalf of Mr. White to ensure an accurate presentation of the facts related to these issues. Mr. White is not in a position to defend or characterize the actions of his attorney which are the subject of Defendant's Motion for Contempt.

In sum, Mr. White has good-faith defenses to the Motion for Contempt and cannot properly or completely present those defenses without the assistance of his counsel. Mr. White submits that it is in the interest of fairness, as well as judicial efficiency and economy that the Show Cause Hearing on March 3, 2022, be rescheduled to an alternative date mutually agreeable to all parties.

–Signature page follows–

Respectfully submitted,

MARCUSBONSIB, LLC

/s/ Bruce L. Marcus

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Counsel for Non-party Daniel White

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2022, the foregoing was filed and served electronically filed on all counsel of record.

/s/ Bruce L. Marcus

Bruce L. Marcus